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 HONOLULU, HAWAII

Agency: Honolulu City Council
 Hearing Date/Time: Wednesday, August 15, 2012, 10:00 a.m.
 Place: City Council Chamber
 Re: Testimony of the ACLU of Hawaii in Opposition to Resolution 12-179

Dear Council Chair Martin and Members of the Council:

The American Civil Liberties Union of Hawaii ("ACLU") writes in opposition to Resolution 12-179, which seeks to approve for inclusion in the 2013 Hawaii State Association of Counties legislative package a proposal that requires a prescription to purchase any product that contains pseudoephedrine.

In an effort to curtail the clandestine production of methamphetamine, current federal and state law already regulates retail over-the-counter sales of these medicines. Pseudoephedrine products can be sold only at a pharmacy and must be kept behind a counter. Buyers must show identification and sign a register. There is simply no need for additional restrictions.

The government should not be in the business of deciding the available remedy for a common cold. If passed, this bill will place an undue burden on people seeking over-the-counter cold and flu relief by requiring a prescription from a doctor. This could have a profound effect on those individuals who need this particular medication, particularly if they don't have insurance.

Furthermore:

- A law requiring a prescription for these products would make it difficult or even impossible for people who do not have their own physician, such as the poor or underprivileged, to have access to cold and allergy medicine;
- A law requiring a prescription would be overly restrictive to those who use the products for legitimate purposes, such as cold and allergy sufferers;
- Legislation should not burden the freedom of ordinary citizens when the requirement for a prescription would not be based on the danger of the drug itself, but only that it is a precursor to another drug. Based on that logic, many substances would then be illegal to access.

For these reasons and more, the ACLU respectfully requests that the Council decline to pass this measure.

Thank you for this opportunity to testify.

MISC. COM. 2217

American Civil Liberties Union of Hawaii
 P.O. Box 3410
 Honolulu, Hawaii 96801
 T: (808) 522-5900
 F: (808) 522-5909
 E: office@acluhawaii.org
 www.acluhawaii.org

COUNCIL

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Sincerely,

Laurie A. Temple
Staff Attorney
ACLU of Hawaii

About the American Civil Liberties Union of Hawaii

The American Civil Liberties Union of Hawaii ("ACLU") has been the state's guardian of liberty for 47 years, working daily in the courts, legislatures and communities to defend and preserve the individual rights and liberties equally guaranteed to all by the Constitutions and laws of the United States and Hawaii.

The ACLU works to ensure that the government does not violate our constitutional rights, including, but not limited to, freedom of speech, association and assembly, freedom of the press, freedom of religion, fair and equal treatment, and privacy.

The ACLU network of volunteers and staff works throughout the islands to defend these rights, often advocating on behalf of minority groups that are the target of government discrimination. If the rights of society's most vulnerable members are denied, everyone's rights are imperiled.

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